



## *State of New Jersey*

DEPARTMENT OF STATE  
OFFICE FOR PLANNING ADVOCACY  
PO Box 204  
TRENTON NJ 08625-0204

CHRIS CHRISTIE  
*Governor*

GERRY SCHARFENBERGER, PH.D.  
*Director*

KIM GUADAGNO  
*Lieutenant Governor*

November 15, 2011

The Honorable Mayor Ray Heck  
Millstone Borough Hall  
1353 Main Street  
Millstone, NJ 08844

### **Re: Millstone Borough Petition for Plan Endorsement (PE) – Consistency Report**

Dear Mayor Heck:

The Office for Planning Advocacy (OPA) and our state agency partners have substantively reviewed the petition submitted by the Borough of Millstone for Plan Endorsement and would like to commend the Borough for its active participation and dedication to the Plan Endorsement process. However, there are consistency issues that need to be addressed prior to receiving endorsement from the State Planning Commission (SPC). OPA and our state agency partners are committed to working with the Borough and Somerset County to establish a timeline to address the consistency issues outlined in this report in order for Millstone Borough to receive plan endorsement from the State Planning Commission.

We understand that the outstanding items will take time to complete and may be delayed due to budgetary constraints. As you move forward with your open space, flooding issues and redevelopment plans, you are positively affecting Millstone. You are addressing a number of issues that are aligned with the goals of the State Development and Redevelopment Plan. It is with that in mind that we want to help you reach your planning goals.

### **STATE AGENCY CONSISTENCY REVIEW**

Accompanying the Consistency Report is a Draft Action Plan and guidance documents from the Departments of Transportation and Environmental Protection. Please add/or correct timelines to the Action Plan which will comfortably allow you to complete the outstanding items. This Action Plan is subject to agreement between the petitioning municipality and OPA. Once agreement is reached regarding the items and timelines within the Action Plan, and the MOU is authorized by the petitioning municipality's governing body, it is expected that the municipality and State will address these items and timelines accordingly. In the event that the Borough

fails to address the Action Plan or does not effectively communicate their efforts, the petitioning municipality will be deemed to have defaulted in its obligations and the petition may be withdrawn. Once the tasks on the Action Plan are complete, the SPC will consider your petition for endorsement.

## **MISSING INFORMATION**

The following items are requirements for PE that need to be submitted before your petition can be fully evaluated. It is possible that some of these items are addressed in another document or form. There may also be material that is not relevant to a community like yours. Please submit them to us as soon as possible or let us know what documents exist that could be substituted. You may also seek waivers from submitting material, but must provide us reasons why it is not necessary.

### Board of Education Five-Year Facilities Plan

The Borough of Millstone shall submit the Board of Education's Five-Year Facilities Plan. Like the importance of other community facilities, schools should be appropriately sited within a municipality. Where possible they should be within walking distance for students. Walking paths or sidewalks should be located away from fast moving traffic to accommodate younger students. Schools in particular play a significant role in a municipality's built environment due to their potential impacts, both positive and negative, on community development, land use and transportation. It is critical that land use decisions and school siting be coordinated. Schools should not be isolated campuses, but part of the neighborhood fabric, doubling as focal points for the community as a whole. Whether by local streets and or walking/biking paths, schools should be accessible by modes other than the car or school bus, thereby helping to reduce transportation costs. Where possible, walking/biking should be the primary mode of access for schools.

### Emergency Operating Plan

The petition shall include formal evidence that the Borough has an Emergency Operating Plan approved by the New Jersey State Police. An approval letter from the State Police may be submitted in lieu of the full Plan.

### Wastewater Quality Management Plan

The Borough of Millstone should continue to work with Somerset County to ensure that it is properly represented in the proposed Somerset County Wastewater Management Plan. Millstone shall continue to provide sufficient and appropriate data (zoning, treatment plant data, projections etc.) to Somerset County to assist in development of the Somerset County Wastewater Management Plan. The result will be a Chapter in the Somerset County Wastewater Quality Management Plan.

To ensure that the plan will be implemented appropriately a suite of ordinances will need to be adopted (See DEP Guidance for further details),

- Stream Corridor/Riparian Protection
- Steep Slopes
- Water Conservation
- Wellhead Protection

### Floodway and Floodplain

As Millstone continues with its redevelopment efforts, plans must make sure that they mention potential flooding and that where necessary the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq. and its implementing rules at N.J.A.C. 7:13. et seq may affect the development. The Flood Area Control Act and its implementing rules are specifically mentioned because certain land disturbances in the Floodway and Floodplain are prohibited.

### Other Required Missing Documents

- Recycling statement of consistency (See DEP Guidance Document)

- Open Space and Recreation Plan (See DEP Guidance Document)

You need to submit these documents, provide a relevant alternative or seek a waiver from these items.

### **CENTER BOUNDARY**

We discussed limiting the center boundary to the entire municipality with exception of the portion that has been sold to Somerset County. Please see the DEP Guidance document where they highlight their rationale to make planning area modifications along with establishing the center boundary. As you move forward, we need to understand your position regarding the center boundary and any changes to the State Plan Map.

### **POTENTIAL CONSISTENCY ISSUE**

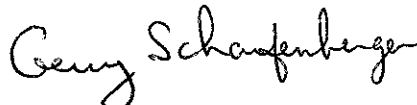
While the Borough submitted population growth estimates through 2030, these numbers should be confirmed by the County as they complete their population growth projections that are required for the County Wastewater Quality Management Plan.

### **CONCLUSION**

Pursuant to N.J.A.C. 5:85-7.5 (f), the Borough must submit the additional information requested above in order for your plan to be evaluated for consistency with the goals, policies and strategies of the State Plan. OPA and our state agency partners will work with the Borough to revise the petition to include the items identified within this letter and to help the Borough achieve plan endorsement. Again, we look forward to meeting with you to discuss the next steps.

Thank you again for your commitment to the Plan Endorsement process. If you have any questions or concerns, please feel free to contact Barry Ableman, Principal Planner for Somerset County, at (609) 292-3228 or via email at [baleman@dca.state.nj.us](mailto:bableman@dca.state.nj.us).

Sincerely,



Gerry Scharfenberger  
Director

### **Attachments**

GS:ba

c: Bob Bzik, PP/AICP, Somerset County Planning Director (via email)  
Gregory Bonin, Millstone Borough Clerk (via email)  
Carter van Dyke, PP/AICP Millstone Planner (via email)  
Lynn Reynolds, Planning Technician for Carter van Dyke Associates (via email)  
Millstone Borough Plan Endorsement File

ACTION PLAN  
UPDATED NOVEMBER 7, 2011

MILLSTONE DRAFT ACTION PLAN									
	11/7/11								
NOTE: Each Action Item and Deliverable shall fully resolve the corresponding Consistency Issue and related items.									
Item No.	Subject	Consistency Issue	Action Item	Deliverable	Municipal Deadline	State Deadline	Status		
A1	Center Boundary	Millstone Borough and OPA come to agreement on the alignment of the center boundary	A meeting will be set to discuss the center boundary.	GIS layer for the agreed upon center boundary	Within a month of the meeting where we come to an agreement on the boundary.				
A2	Memorandum of Understanding (MOU)	Millstone Borough needs to sign the MOU	Millstone Borough will complete the items on their Action Plan that acknowledges their intent to complete the Action Plan	Signed MOU	To be signed and returned w/in six weeks after the SPC approves the Action Plan				
A3	Population figures	While Millstone provided projections with a 20 year horizon, these numbers should be confirmed by the County's population estimated for the County Wastewater Quality Management Plan.	Working with the Somerset County Planning staff, prepare population figures that account for planned development, redevelopment and preservation	Population Projections	1-Sep-12				
B1	Recycling	Recycling statement of consistency is a mandatory Requirement for Plan Endorsement	The petition shall include a statement of consistency with the district recycling plan (i.e., County Solid Waste Management Plan), including municipal strategies to achieve the State's Recycling Plan Goals and reduce municipal solid waste.	Recycling Statement of Consistency	1-Sep-12	Within 45 days of submission			

ACTION PLAN  
UPDATED NOVEMBER 7, 2011

Item No.	Subject	Consistency Issue	Action Item	Deliverable	Municipal Deadline	State Deadline	Status
C1	Community Facilities	Board of Education Five-Year Facilities Plan is a requirement for Plan Endorsement	The Borough of Millstone shall submit the Board of Education's Five-Year Facilities Plan. Like the importance of other community facilities, schools should be appropriately sited within a municipality. Where possible they should be within walking distance from students. Walking paths or sidewalks should be located away from fast moving traffic to accommodate younger students. Schools in particular play a significant role in a municipality's built environment due to their potential impacts, both positive and negative, on community development, land use and transportation. It is critical that land use decisions and school siting be coordinated. Schools should not be isolated campuses but part of the neighborhood fabric, doubling as focal points for the community as a whole. Whether by local streets and or walking/biking paths, schools should be accessible by modes other than the car or school bus, thereby helping to reduce transportation costs. Where possible, walking/biking should be the primary mode of access for schools.	Board of Education Five-Year Facilities Plan	1-Sep-12	Within 45 days of submission	
C2	Hazard Planning	Emergency Planning is a requirement for Plan Endorsement	The petition shall include formal evidence that the Town has an Emergency Operating Plan approved by the New Jersey State Police. An approval letter from the State Police may be submitted in lieu of the full Plan.	Approval letter from State Police for an Emergency Operating Plan	1-Sep-12	Within 45 days of submission	
D1	Plan Implementation Agreement (PIA)	Finalize DRAFT PIA	Millstone Borough will review and revise PIA that will be reviewed by OPA and state agencies and	Revised Draft PIA	1-Sep-12	Within 45 days of submission	

**DOT Guidance  
BOROUGH OF MILLSTONE**

**8/8/11**

GENERAL COMMENTS

The Plan Endorsement documents submitted by Millstone Borough generally demonstrate consistency with the State Development and Redevelopment Plan (SDRP) from a transportation perspective, particularly in the focus on the Village Center and the desire for preservation of the historic village character and the Redevelopment Plan for the Area in Need of Rehabilitation at Main Street (County Route 533) and Amwell Road (County Route 514).

SPECIFIC COMMENTS

The 2005 Circulation Plan Element addresses most transportation modes applicable to the Borough. The plan includes a discussion of the relationship between transportation and land use, improvements to bicycle and pedestrian access, as well as opportunities for shared parking. Although the Borough expressed concern about truck traffic along Main Street at the pre-petition meeting, the Plan does not contain a section on goods movement.

The Circulation Element suggests conversion of Amwell Road into a cul-de-sac to eliminate through traffic in the interest of controlling both volume and speed to calm traffic and promote safety. However, the Borough should consider how such a measure might impede connectivity and investigate alternative options.

The Plan also recommends the operational expansion of County Route 514 to include two 11-foot wide parking aisles, two eleven-foot wide travel lanes and one eleven-foot wide left-turn lane. The Borough should work with the County to determine if this design fits within the context and scale of this relatively small community.

STATE AGENCY ASSISTANCE AND BENEFITS

The Borough of Millstone can request informal, or apply for formal technical assistance from the Department. The Township also can continue to submit applications on a competitive basis under Local Aid programs for which the Town is eligible. Benefits depend upon funding availability and are subject to program guidelines.

## **DEP Guidance – Millstone Borough Plan Endorsement**

*This document constitutes the Department of Environmental Protection's (DEP) component of the Consistency Review conducted as part of the Plan Endorsement process. While all efforts have been made to address all major issues, the ever evolving nature of regulatory programs, natural conditions and the planning process dictates that the information contained within this document may need to be updated going forward. The DEP reserves the right to include further requirements or recommendations should additional information become available. No portion of this document shall be interpreted as granting any specific regulatory or planning approvals by the DEP.*

### **Petition for Plan Endorsement Submitted by the Borough of Millstone NJ Department of Environmental Protection (DEP) Consistency Review and Comments**

#### **Introduction**

Located in the heart of Somerset County along the Millstone River, Millstone Borough was once the county seat of Somerset County and played an important role during the Revolutionary War. Today, Millstone remains a small community comprised of about 0.6 square miles and is seeking plan endorsement to aid in reaching their planning goals. The Borough has identified their planning goals as meeting their affordable housing obligation; creating a ratable base for sustainability; preserving the current development scale and historic lands of the Revolutionary War; providing sewers; and new environmental controls for flood and stormwater control, as outlined in their Master Plan (pg 3). Millstone began the Plan Endorsement process in 2008 and submitted a Municipal Self-Assessment in February 2009. State agencies presented the Borough with an Opportunities and Constraints Report on July 17, 2009. The Borough received a Visioning Waiver on June 24, 2011, which has triggered the consistency review process and this report.

The current State Plan Map identifies Millstone Borough almost entirely as Planning Area 3 (Fringe). DEP understands that, through the Cross Acceptance process, the State Plan Map was modified to identify the areas in the north and northwest portions of Millstone to Planning Area 5 (Environmentally Sensitive). Consistency reviews entail examining the Borough's planning portfolio and goals against the goals and intentions of the State Plan for these areas. In the Fringe Planning Area, the State Plan's intention is to accommodate growth in Centers; protect the Environs primarily as open lands; revitalize cities and towns; protect the character of existing stable communities; protect natural resources; provide a buffer between more developed Metropolitan and Suburban Planning Areas and less developed Rural and Environmentally Sensitive Planning Areas; and confine programmed sewers and public water services to Centers. In the Environmentally Sensitive Planning Area, the State Plan's intention is to protect environmental resources through the protection of large contiguous areas of land; accommodate growth in Centers; protect the character of existing stable communities; confine

programmed sewers and public water services to Centers; and revitalize cities and towns. In addition to these changes in planning area designations, the Borough is also seeking designation as a Village Center. All of these changes will be discussed later in this report, and will be resolved through the remainder of Plan Endorsement process.

### **DEP Consistency Determination**

The DEP review of a petition for Plan Endorsement uses the State Planning Commission's Plan Endorsement Guidelines as the basis for review, with emphasis on the items, tasks, policies and goals identified by the State Development and Redevelopment Plan that relate to the DEP's mission to protect the State's environmental resources.

The DEP has reviewed the Borough of Millstone's submission and has determined that the goals and policies included in Millstone's planning documents are generally sound and consistent with the State Development and Redevelopment Plan. However, the DEP has concerns about whether certain environmental resource protection ordinances required for endorsement are developed and adopted by the Borough. In addition, the MSA and 2005 Master Plan identify several actions the Borough should take to reach its planning goals. Finally, the boundary of the village center and planning area changes should be negotiated with all state agencies to ensure that they are not only consistent with the State Plan but also agreeable to the Borough and its goals for Plan Endorsement. *As such, the Department recommends that the Office for Planning Advocacy deem the Borough of Millstone's petition for Plan Endorsement inconsistent until such time that the Borough is able to address the issues identified in this report.*

### **Master Plan**

A 2007 amendment to the 2005 Master plan was discussed briefly in the Borough's MSA, however this was not provided for review. The Borough must submit this 2007 amendment for review. DEP also recommends that the Borough develop a plan to update the Master Plan given the changes that have resulted from the settlements and additional acquired open space, including but not limited to updates to the land-use, open space, and COAH plans.

### **Requirements/Recommendations:**

1. Millstone shall provide the 2007 amendment to the Master Plan for review. (Action Plan)
2. Millstone should develop a plan for updating their Master Plan given the changes that will result from Plan Endorsement and other recent planning activities and decisions. (PIA)

### **Natural Resource Conservation**

The Borough of Millstone has been able to preserve approximately 25% of the land within the Borough for natural resource protection along with zoning ordinance requirements for cluster development. In addition the Borough is also seeking center designation in order to bring sewers to the Borough and hook up new development as well as facilities or houses with failing septic systems. Additionally, the Borough should be commended for their resource conservation efforts including stormwater control, open space preservation, and flood damage control.



There are several ordinances that the Borough identified in the MSA that have yet to be adopted and which are a requirement for Plan Endorsement. These include: water conservation ordinance, stream corridor protection ordinance, and septic management plan and/or ordinance. The DEP has models available for each of these ordinances that the Borough may use to develop an ordinance that meets the particular needs of the Borough. There are also multiple actions that are important for the protection of natural resources that DEP recommends the Borough undertake. Each of these required and recommended actions is identified below.

#### Water Conservation ordinance

This ordinance sets water conservation guidelines that protect the community's drinking water supply, industrial and agricultural needs, recreational activities, and the natural systems that rely on specific water levels. DEP will provide technical assistance to make appropriate modifications to the sample ordinance.

#### Stream Corridor/Riparian Protection ordinance

Adequately vegetated riparian lands adjacent to streams, lakes, or other surface water bodies provide an important environmental protection and water resource management benefit. This ordinance seeks to protect and maintain the beneficial character of riparian areas by implementing specifications for the establishment, protection, and maintenance of buffers along the surface water bodies. This is a requirement of the Water Quality Management process and will be completed in conjunction with the Somerset County Wastewater Management Plan.

#### Total Maximum Daily Loads (TMDLs)

There is one TMDL identified for Millstone Borough, the Millstone River at Blackwells Mills (#1402000). Between Blackwells Mills Road and Route 632 Causeway: This stretch contains fields and pastures along the right bank of the stream. There was also a horse trail that ran along the stream. The predominant land uses in this watershed are agriculture and urban. Geese, wildlife, and domestic pets can be found throughout the watershed. Possible sources of fecal coliform within this segment include geese, poultry, wildlife, domestic pets, and horses.

- Monitoring: a fecal coliform survey is recommended to focus on the significant sources of contamination.
- Strategies: organize local community based goose management programs; prioritize for EQIP funds to install agricultural BMPs Phase II stormwater program.

Adoption of a TMDL ordinance may be required through the development of the Somerset County WMP. All other appropriate measures should be developed by Borough, preferably in cooperation with surrounding communities.

#### Septic Management

Individual subsurface sewage disposal systems (ISSDS/septic systems) that are not properly maintained can contaminate both ground water and service water supplies. This creates health risks to humans and impairs natural ecosystems. In order to properly maintain septic systems, regularly pumping out accumulated solids and liquids is important to avoid solids interfering with the proper function of the ISSDS. In areas with failing ISSDS, it is important to set up a plan to overcome the failures through upgrades and/or planning to connect to a sanitary sewer system.

DEP, through the wastewater management planning process, is working with the Counties to develop septic management provisions, be it a county-wide septic management plan, or individual municipal ordinances. Millstone Borough's septic management policy will be developed through that process. A septic management plan and/or ordinance will be required as part of the Somerset County WMP.

### Tree Protection

The Borough in their Master Plan (2005) identified the need of preserving trees within the Borough. The Master Plan identified a goal of protecting Borough trees from unnecessary cutting, especially along the Millstone River. The DEP supports the Borough in this effort because protecting trees within a community can have a multitude of benefits for the environment as well as for the health and safety of residents. Trees help to prevent flooding, sequester carbon, improve water quality, and provide timber. They also contribute to climate control and reduce soil erosion and sedimentation. Indiscriminate, uncontrolled and excessive destruction, removal, and cutting of trees upon lots and tracts of land within the community can cause increased drainage control costs, increased soil erosion and sedimentation, decreased fertility of the soil, degradation of water resources, decreased groundwater recharge, increased buildup of atmospheric carbon, and increased dust. Whenever possible, municipalities should aim to protect large, contiguous areas of wooded areas as much as possible, as these unbroken areas provide the largest benefit to the environment and society. This information is excerpted from a Sustainable Jersey action: <http://sustainablejersey.com/actionlist.php>.

### **Requirements/Recommendations:**

1. Millstone shall adopt a suite of resource protection ordinances. Model/example ordinances can be found at: <http://www.nj.gov/dep/opsc/envcbp.html#model>.
  - Water Conservation ordinance (Action Plan)
  - Stream Corridor Protection ordinance (WMP)
  - TMDL ordinance – if necessary (WMP)
  - Septic Management Plan and/or ordinance (WMP)
2. DEP recommends that Millstone Borough undertake the following resource protection actions:
  - Additional appropriate measures to address TMDL (PIA)
  - Tree Protection Ordinance (PIA)
3. DEP will provide technical guidance on development of planning documents and municipal ordinances.

### **Sustainability**

Sustainable planning means adopting and implementing policies and actions that will meet the needs of the present generation without compromising the ability of future generations to meet their own needs. While the Borough has provided a sustainability statement within its municipal self assessment report, sustainability should be incorporated in all of the master plan elements. If it has not done so already the Borough should amend its Master Plan Elements to include additional principles of sustainability and/or adopt a Green Building and Environmental Sustainability Element.

The statement provided by the Borough in MSA is heavily focused on flooding, pedestrian access and economic development. The DEP encourages the Borough to look at other critical areas that include but are not limited to: energy management, greenhouse gas reduction, green design, water conservation, healthy regional agricultural systems, waste management, toxins reduction, additional mobility and access, and environmental education.

The Borough should consider participating in the SUSTAINABLE JERSEY™ program to guide its sustainability efforts. SUSTAINABLE JERSEY™ is a certification program for municipalities in New Jersey that want to go green, save money, and take steps to sustain their quality of life over the long term. The program identifies actions that municipalities can implement to become certified and provides clear “how to” guidance and tools to enable communities to make progress on each action.

### **Requirements/ Recommendations**

1. DEP recommends that Millstone conduct an energy and Green House Gas (GHG) emissions audit and begin to evaluate how it will meet its energy needs and reduce greenhouse gas emissions in the coming decades. The Board of Public Utilities through their NJ Clean Energy Program has an energy audit program that Millstone can utilize to perform an audit. The Local Government Energy Audit Program is the first step in identifying cost-justified energy efficiency measures for buildings owned by local governments, NJ Colleges and Universities, and 501 (c)(3) non-profit agencies. These facilities could include offices, courtrooms, town halls, police and fire stations, municipal wastewater, schools, community centers and more. (PIA)
2. Millstone should prepare a Greenhouse Gas Emissions Reduction Plan that sets GHG reduction targets and identifies strategies, including an implementation process, for reducing GHG emissions associated with municipal operations, and residential, commercial, industrial and transportation sectors. Projected GHG reduction targets should be consistent with and supportive of State of NJ GHG reduction goals as stated in the NJ Global Warming Response Act. In addition, each municipality should identify, 1) projected major impacts to municipal quality of life resulting from anticipated global warming effects, and, 2) discuss how municipal planning and policies will begin to address these impacts. The Borough should evaluate development requirements and remove impediments to green design in general ordinances. (PIA)
3. Encourage and facilitate farmers’ markets and other businesses promoting the sale and use of local resources. (PIA)
4. Develop education program for local residents, homeowners, and property owners on ecologically sound landscaping techniques, composting, etc. (PIA)
5. Millstone should develop and adopt a Green Buildings and Environmental Sustainability municipal master plan element and/or incorporate sustainability into all elements of the master plan. DEP will provide technical assistance. (PIA)
6. The DEP supports and will work with the Borough on identifying options for improving pedestrian access to the Millstone River, village retail area, and Colonial Park.

## **Recycling**

DEP was unable to locate Millstone's Recycling Ordinance as it was referenced within its Municipal Self Assessment report but was not provided with plan endorsement submission materials. The petition also appears to be missing the required recycling statement of consistency with the County Solid Waste Management Plan. It is therefore impossible for the Department to determine consistency with the recycling goals of the State Plan at this time. Both items are absolute requirements for Plan Endorsement.

In general, DEP encourages municipalities to go beyond the basic recycling requirements and encourage innovative ways for citizens to reduce the quantity of waste sent to landfills. Possibilities include providing education on household composting, product re-use, use of recycled materials in construction, and minimizing excess packaging material.

### **Requirements/Recommendations:**

1. Millstone shall submit the municipal Recycling Ordinance. (Action Plan)
2. Millstone shall submit statement of consistency with the County Solid Waste Management Plan, including municipal strategies to achieve the State's Recycling Goals and reduce municipal solid waste. (Action Plan)
3. DEP recommends that Millstone consider innovative ways for reduction of waste and promotion of recycling. DEP will provide technical support toward these efforts. (PIA)

## **Stormwater**

The stormwater management rule at N.J.A.C. 7:8-4.2(c)8 requires municipalities to evaluate the extent to which the municipality's entire Master Plan, official map and development regulations (including the zoning ordinance) implement the principles of nonstructural stormwater management strategies. In order to promote the use of low impact development, Millstone should continue identify the portions of the master plan that need to be amended to incorporate nonstructural strategies and include a time frame for incorporation of amendments to the master plan and/or land use and zoning ordinances.

### **Requirements/Recommendations:**

1. Millstone shall perform this evaluation and make any necessary changes to its planning documents or ordinances on an on-going basis. (PIA)

## **Wastewater Treatment**

DEP understands the need for centralized sewer service to support the development proposals in Millstone Borough. However, the potential for sewer service area within Millstone Borough is dependent upon capacity to support that development at the Somerset Raritan Valley Sewage Authority treatment plant. The final sewer service area delineation and capacity analysis will be completed through the Somerset County Wastewater Management Plan update.

The information provided in the DEP OCA Report dated June 18, 2009 is included here again for clarity's sake:

- A major consideration of the WMP is the delineation of sewer service area. As discussed earlier in this report: sewer service areas are not permitted in environmentally sensitive areas. In Millstone Borough, this effectively limits potential sewer service areas to existing development and agricultural fields. However, because there is no adopted sewer service area in Millstone Borough, connection of these areas to the Somerset Raritan Valley Sewage Authority would be dependent upon demonstration of sufficient capacity at the sewage treatment plant to accommodate potential development in Millstone Borough.
- The MSA also notes that the Van Cleef family has agreed to "forward to Hillsborough a sum of \$500,000 that would pay for a sewer privilege fee" so that the Borough can tie into the Hillsborough sewer system in the future. The MSA also states that, "The Borough has also negotiated with Hillsborough Township to partner in a force main and pump station that would go through the Borough and also serve a portion of Hillsborough Township." DEP notes that regardless of these agreements, sewer service in Millstone Borough is dependent upon the existence of capacity at the SRVSA sewage treatment plant.
- Should capacity limitations at the SRVSA sewage treatment plant limit, or negate, the potential for centralized sewer service in Millstone, the Borough may want to consider (if it hasn't already) studying the potential for a package plant to serve the Van Cleef development and/or existing development throughout the Borough, possibly in cooperation with Hillsborough Township.
- While the State Plan does not recommend sewer service area in the Fringe, Rural and Environmentally Sensitive Planning Areas, the WQMP rule does not place these specific limitations on mapping of sewer service area.
- The WQMP rule utilizes the Plan Endorsement process to allow extensions of sewer service area into areas where it would otherwise not be permitted, due to the existence of environmentally sensitive features.

### **Requirements/Recommendations:**

1. Millstone shall continue working with Somerset County to ensure that it is properly represented in the proposed Somerset County Wastewater Management Plan.
2. Millstone shall provide sufficient and appropriate data (zoning, treatment plant data, etc.) to Somerset County to assist in development of the Somerset County Wastewater Management Plan.

3. Upon adoption of the Somerset County Wastewater Management Plan, Millstone shall take any actions necessary to ensure consistency with that plan, including the adoption of necessary ordinances and/or participation in a county-wide septic management plan.
4. DEP will provide technical assistance for development of all items identified above.

### **Water Availability**

As identified in the Opportunities and Constraints Analysis report, there is one Public Water Supply System in Millstone Borough serving a portion of Millstone Borough's population. The Deficit/Surplus table for New Jersey American-Elizabethtown shows FIRM capacity for this system to be approximately 41.617 mgd. However, this capacity is available throughout the purveyor area and is not necessarily available to Millstone Borough.

### **Requirements/Recommendations:**

1. DEP will provide assistance, at Millstone's request, in identifying potential financial sources to fund conservation measures. DEP recommends Millstone review the information at <http://www.nj.gov/dep/watersupply/loanprog.htm>.

### **Historic Preservation**

The Borough of Millstone has a comprehensive historic preservation program that should be applauded. The Millstone Historic District was established in the mid- 1970s and the Historic District Commission remains very active in the community. The Borough would like to have the former Rezem site identified as a heritage park; however, Green Acres and SHPO have concerns that it might not be viable as such. The Borough has responded that it will work with the County "to determine how to best use the preserved open space as a park that highlights the history of the Borough." The DEP supports this effort and will also work with the Borough to identify options for historic properties that are located within the floodway.

### **Requirements/Recommendations:**

1. Millstone shall continue working with the State Historic Preservation Office and Somerset County to evaluate alternatives for the appropriate use of the former Rezem tract as well as coming up with alternatives for historic properties that are identified as repetitive loss properties. (PIA)
2. DEP recommends that Millstone continue to work on innovative historic preservation planning and incentive programs. (PIA)
3. If the Borough has not done so already, the historic preservation ordinance should be changed to conform more closely to state nomenclature and conform more strictly to the MLUL, certified local government requirements, the preserving New Jersey recommendations, and Open Public Meetings Act requirements (as identified on page 23 of the Borough's Master Plan). (PIA)
4. DEP will provide technical assistance, at Millstone's request, in efforts in expanding the Town's Historic District and determining the proper placement and use of historic sites and if additional listings are appropriate for the National and State Registers of Historic Places.

### **Proposed Center & Planning Area Changes**

The DEP supports identification of the areas in the north and northwest portions of Millstone as Planning Area 5 (Environmentally Sensitive) as identified in the Borough's Municipal Self Assessment and through the cross-acceptance process. However, a portion of the former Rezem tract would still be mapped as Planning Area 3, with a Critical Environmental Site overlay (CES). DEP does not believe that a CES completely surrounded by Planning Area 5 makes any sense, and recommends that the entirety of the Rezem tract be mapped as Planning Area 5. At a minimum, the Rezem tract west of County Route 533 Spur/Somerset Courthouse Road should be mapped as Planning Area 5.

DEP recommended that the entirety of the Borough be included in a Village Center designation so that open space and the proposed heritage park could potentially benefit from the designation. However, should the Borough prefer to establish a smaller more compact village around areas of existing development and the proposed Van Cleef development, as explained in their May 9, 2011 correspondence with the Office of Planning Advocacy, the DEP can support this as well. The DEP along with other state agencies will work with the Borough to establish all planning area changes and the village center boundary. (Action Plan)

**DOT Guidance  
BOROUGH OF MILLSTONE**

**8/8/11**

GENERAL COMMENTS

The Plan Endorsement documents submitted by Millstone Borough generally demonstrate consistency with the State Development and Redevelopment Plan (SDRP) from a transportation perspective, particularly in the focus on the Village Center and the desire for preservation of the historic village character and the Redevelopment Plan for the Area in Need of Rehabilitation at Main Street (County Route 533) and Amwell Road (County Route 514).

SPECIFIC COMMENTS

The 2005 Circulation Plan Element addresses most transportation modes applicable to the Borough. The plan includes a discussion of the relationship between transportation and land use, improvements to bicycle and pedestrian access, as well as opportunities for shared parking. Although the Borough expressed concern about truck traffic along Main Street at the pre-petition meeting, the Plan does not contain a section on goods movement.

The Circulation Element suggests conversion of Amwell Road into a cul-de-sac to eliminate through traffic in the interest of controlling both volume and speed to calm traffic and promote safety. However, the Borough should consider how such a measure might impede connectivity and investigate alternative options.

The Plan also recommends the operational expansion of County Route 514 to include two 11-foot wide parking aisles, two eleven-foot wide travel lanes and one eleven-foot wide left-turn lane. The Borough should work with the County to determine if this design fits within the context and scale of this relatively small community.

STATE AGENCY ASSISTANCE AND BENEFITS

The Borough of Millstone can request informal, or apply for formal technical assistance from the Department. The Township also can continue to submit applications on a competitive basis under Local Aid programs for which the Town is eligible. Benefits depend upon funding availability and are subject to program guidelines.



Specifically, the Borough can request Local Transportation Planning Assistance consultant services, subject to review according to the criteria, to aid the Borough in developing plans to improve the County Routes 533 and 514 gateway.

It should be noted that Millstone received a Transportation Enhancement ARRA grant for the Heritage Park Bikeway/Walkway along the old New Brunswick Railroad right-of-way.

# Borough of Millstone Planning and Implementation Agreement

## BOROUGH OF MILLSTONE DRAFT PIA

OPA Draft: 11/7/11)

NOTE: Let the OPA Planner know if there are additions, questions or issues

Topic	Item No.	Activity	Local Effort	Assistance	Time Frame
Land Use	A2	Update Master Plan and zoning ordinance based on current plans for rehabilitation, development and preservation.	Planning Board and Borough Committee	County, OPA and NJDEP technical assistance	Immediate and Ongoing
Land Use	A4	Review and update Master Plan goals and objectives as directed by the MLJUL.	Planning Board and Borough Committee	N/A	Immediate and Ongoing
Land Use	A5	Revise the official zoning map and ordinances based on the Land Use Plan.	Planning Board and Borough Committee	N/A	Immediate and Ongoing
Land Use	A6	Review parking and circulation plans to ensure that non-vehicular transportation is encouraged.	Planning Board and Borough Committee	DOT technical assistance	Ongoing
Land Use	A7	Review ordinances, and make necessary modifications, to ensure that innovative roofing alternatives and materials (such as green roofs) are permitted. You may also consider approving incentives for using such innovative roofing alternatives and materials.	Planning Board and Borough Committee	OPA, NJDEP technical assistance	Immediate and Ongoing
Land Use	A8	Locate and potentially purchase additional properties for active recreation or preservation.	Work with Somerset County	Green Acres Funding	Ongoing
Housing	B1	<p>Address affordable housing needs of the community:</p> <ul style="list-style-type: none"> <li>• Identify opportunities to create diverse housing opportunities and affordable housing</li> <li>• Continue to rehabilitate housing units</li> <li>• Develop an action plan to meet affordable housing goals</li> <li>• Adapt housing strategy as needed</li> <li>• Update the Housing Element of the Master Plan</li> </ul>	Prepare a Housing Element	DCA and Somerset County	Ongoing

Topic	Item No.	Activity	Local Effort	Assistance	Time Frame
Transportation	C1	Continue to explore options to address circulation along County Route 514 / Amwell Road.	Planning Board and Borough Committee	Somerset County	
Transportation	C2	Examine traffic calming measures	Borough Committee (Main Street Rehabilitation Plan) -Apply for appropriate funding programs or seek NJDOT assistance	When requested, NJDOT will give priority consideration to providing assistance consistent with program requirements and subject to the availability of funding and staff resources	
Transportation	C3	Improve pedestrian mobility	Engineer, Borough Committee -Apply for appropriate funding programs or seek NJDOT technical assistance	When requested, NJDOT will give priority consideration to providing assistance consistent with program requirements and subject to the availability of funding and staff resources	
Transportation	C4	Explore, where applicable, the appropriateness of developing Access Management Plans for pertinent sections of state highways as provided for in the State Highway Access Management Code	Engineer, Borough Committee - Apply for appropriate funding programs or seek NJDOT technical assistance	When requested, NJDOT will give priority consideration to providing assistance consistent with program requirements and subject to the availability of funding and staff resources	

Topic	Item No.	Activity	Local Effort	Assistance	Time Frame
Transportation	C5	Revise Circulation Element of Master Plan to address opportunities for shared parking, truck traffic, improvements to bicycle and pedestrian access along with continued growth in the community.	Planning Board	NJDOT	Ongoing
Infrastructure	D1	Develop and adopt a Stormwater Pollution Prevention Plan and Stormwater Management Plan	Engineer, Borough Committee and Planning Board	DEP and Somerset County technical assistance	
Infrastructure	D3	Develop a five year capital improvement plan with a five year planning horizon per the Municipal Land Use Law 40:55D-29	Planning Board	Technical assistance	
Infrastructure	D4	Confirm the condition and capacity of the stormwater drainage system through creation of a Utilities Element of the Master Plan	Planning Board	DEP	Ongoing
Infrastructure	D5	Confirm the condition and capacity of existing sanitary sewer lines through creation of a Utilities Element of the Master Plan	Planning Board	DEP	Ongoing
Infrastructure	D6	Enhance streetscape in the Historic Central Business District	Planning Board	Identification of grant sources, SHPO, Main Street New Jersey	Ongoing
Economic Development	E1	Implement municipal rehabilitation plans.	Planning Board and Borough Committee	NJEDA, DCA	Ongoing
Economic Development	E2	Promote public art in public spaces	Borough Committee could place provision in redeveloper agreements		Ongoing
Intergovernmental Coordination	F4	After adoption, the Borough of Millstone shall submit any new or modified land use ordinance or other planning document that supplements previously submitted material.	Planning Board and governing body		Ongoing

Topic	Item No.	Activity	Local Effort	Assistance	Time Frame
Historic Preservation	G1	<p>Some suggestions to expand Historic Preservation efforts:</p> <ol style="list-style-type: none"> <li>1. Millstone shall continue working with the State Historic Preservation Office and Somerset County to evaluate alternatives for the appropriate use of the former Rezem tract as well as coming up with alternatives for historic properties that are identified as repetitive loss properties.</li> <li>2. DEP recommends that Millstone continue to work on innovative historic preservation planning and incentive programs.</li> <li>3. If the Borough has not done so already, the historic preservation ordinance should be changed to conform more closely to state nomenclature and conform more strictly to the MLUL, certified local government requirements, the preserving New Jersey recommendations, and Open Public Meetings Act requirements (as identified on page 23 of the Borough's Master Plan).</li> <li>4. DEP will provide technical assistance, at Millstone's request, in efforts in expanding the Town's Historic District and determining the proper placement and use of historic sites and if additional listings are appropriate for the National and State Registers of Historic Places.</li> </ol>	Historic Advisory Committee and Borough Committee	SHPO, Somerset County	Ongoing
Historic Preservation	G2	Review the NJ Historical Commission's (NJ Department of State) grant program at <a href="http://www.nj.gov/state/divisions/historical/grants">http://www.nj.gov/state/divisions/historical/grants</a> .	Historic Advisory Committee and Borough Committee	SHPO, Somerset County	Ongoing
Environmental	H1	<p>Adopt a suite of ordinances related to TMDL including:</p> <ul style="list-style-type: none"> <li>• Pet Waste Management ordinance (TMDL ordinance/PIA);</li> <li>• Fertilizer Application ordinance (TMDL ordinance/PIA).</li> </ul>	Borough Committee and Planning Board	DEP technical assistance	Ongoing

Topic	Item No.	Activity	Local Effort	Assistance	Time Frame
Environmental	H2	To address greenhouse gas (GHG) emissions, conduct energy audits of municipal facilities and operations, at a minimum, and community-wide audits, if feasible, and 2) using the results of these audits, develop action plans for reducing municipal energy consumption and GHG emissions (using NJ's 2020 GHG emissions reduction target as a goal). The Board of Public Utilities (BPU) Clean Energy Program provides funding for municipal energy audits ( <a href="http://www.njcleanenergy.com/commercial-industrial/programs/local-government-energy-audit/local-government-energy-audit">http://www.njcleanenergy.com/commercial-industrial/programs/local-government-energy-audit/local-government-energy-audit</a> ).	Governing body	DEP, BPU	Ongoing
Environmental	H3	The North Jersey Transportation Planning Authority prepared a greenhouse gas (GHG) inventory for the geographic area covered by that MPO ( <a href="http://www.njtpa.org/plan/Element/Climate/documents/NJTPAGHGInventoryFINALReport_pdf.pdf">http://www.njtpa.org/plan/Element/Climate/documents/NJTPAGHGInventoryFINALReport_pdf.pdf</a> ). This inventory provides county and municipal-level GHG emissions information for the various major community sectors/activities (e.g., residential, transportation, waste generation). It is recommended that Millstone acquire its local inventory data and use this information as the basis for developing a community GHG reduction action plan, including GHG reduction targets. A number of models and case studies are available to guide this process.	Planning Board and Borough Committee	DEP - Office of Planning and Sustainable Communities, NJTPA	Ongoing

Topic	Item No.	Activity	Local Effort	Assistance	Time Frame
Environmental	H4	<p>Sustainability Recommendations:</p> <ul style="list-style-type: none"> <li>• Review plans and ordinances and remove impediments to, and encourage, green design throughout the Town.</li> <li>• Borough of Millstone could require “green buildings” (LEED, Green Globes) in redevelopment areas, to the extent practicable.</li> <li>• Develop education programs for local residents, homeowners, and property owners on ecologically sound landscaping techniques, composting, etc.</li> <li>• Develop and adopt a Green Buildings and Environmental Sustainability Master Plan Element.</li> <li>• Continue participating in the Sustainable Jersey program.</li> </ul>	Planning Board and Borough Committee	DEP - Office of Planning and Sustainable Communities, Sustainable NJ	Ongoing
Environmental	H5	To expand recycling efforts develop innovative ways to reduce waste and promote recycling. Develop a recycling education program targeted toward the schools and small businesses in the community will allow Borough of Millstone to investigate opportunities to recycle additional materials beyond what is required by the county plan.	Planning Board and Borough Committee	DEP - Office of Planning and Sustainable Communities	Ongoing
Open Space	H6	Identify options for improving pedestrian access to the Millstone River, village retail area, and Colonial Park.	Planning Board Borough Committee and Somerset County	DEP - Office of Planning and Sustainable Communities	Ongoing
Environmental	H7	Adopt a Tree Protection Ordinance that implements goal in the master plan	Borough Committee and Planning Board	DEP - Office of Planning and Sustainable Communities	Ongoing
Water Supply	I2	At Millstone Borough’s request, DEP can help in identifying potential financial sources for water system projects that may also result in water conservation. DEP recommends Millstone Borough review the information at <a href="http://www.nj.gov/dep/watersupply/loanprog.htm">http://www.nj.gov/dep/watersupply/loanprog.htm</a> .	Planning Board and Borough Committee	DEP & Somerset County	Ongoing
Hazard Planning	J1	It is recommended that Millstone participate in the National Flood Insurance Program (NFIP), if it is not already.	Planning Board and Borough Committee	DEP & Somerset County	Ongoing

<b>Topic</b>	<b>Item No.</b>	<b>Activity</b>	<b>Local Effort</b>	<b>Assistance</b>	<b>Time Frame</b>
Hazard Planning	J2	Develop a Flood Protection Ordinance	Planning Board and Borough Committee	DEP	Ongoing
Report to SPC	K1	By FIX DATE and biennially thereafter, report to the SPC about the status of your planning efforts.	Planning Board and Borough Committee	OPA	1 year after PE and then every 2 years after